

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
DOCKET NO. 1:16-cr-00039-MOC-DLH

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|----------------------------------|---|--------------|
| <b>UNITED STATES OF AMERICA,</b> | ) |              |
|                                  | ) |              |
|                                  | ) |              |
|                                  | ) |              |
| v.                               | ) | <b>ORDER</b> |
|                                  | ) |              |
| <b>DANIELLE DEVONNA JONES</b>    | ) |              |
| <b>DANNY TERRON RONEY</b>        | ) |              |
| <b>OLIVETTE POSTEL SAMUELS</b>   | ) |              |
| <b>JR.,</b>                      | ) |              |
|                                  | ) |              |
| Defendants.                      | ) |              |

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**THIS MATTER** is before the Court on Defendant Jones’ “Notice of Appeal” (#117) of the Magistrate Judge’s Order (#110), which denied her Motion to Compel (#99) as moot after hearing. The Court deems this “Notice of Appeal” to be a Rule 59(a) Objection to a non-dispositive Order issued by a magistrate judge.

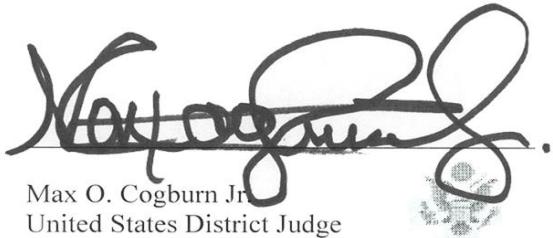
The district court has authority to assign non-dispositive pretrial matters pending before the court to a magistrate judge to “hear and determine.” 28 U.S.C. § 636(b)(1)(A). When reviewing an objection to a magistrate judge’s order on a non-dispositive matter, the district court must set aside or modify any portion of that order which is clearly erroneous or contrary to law. Fed.R.Crim.P. 59(a). To show that a magistrate judge’s order is contrary to law, the objecting party must show that the magistrate judge failed to apply or misapplied statutes, case law, or procedural rules. See Catskill Dev. LLC v. Park Place Entm’t Corp., 206 F.R.D. 78, 86 (S.D.N.Y.2002).

The court has carefully reviewed the Order as well as the Objection, and has determined that the Order of the magistrate judge is fully consistent with and supported by current law. In considering the Objection, the court has reviewed both the Order (#110) and the recording of the December 19<sup>th</sup> hearing. The court is satisfied that defendant has been provided full access to discovery materials, both in paper and electronic formats. Further, the court finds that the Order is not clearly erroneous inasmuch as it is consistent with arguments presented at the hearing. Based on such determination, the court will overrule the Objection and fully affirm the Order.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that Defendant Jones' Notice of Appeal (#117) is **DEEMED** to be a Rule 59(a) Objection to a Magistrate Judge's Non-Dispositive Order, and is **OVERRULED**, and the Order (#110) is **AFFIRMED** in its entirety.

Signed: January 12, 2017



Max O. Cogburn Jr.  
United States District Judge